

### **REMARKS**

Claims 1-19 are pending in this application. Applicant thanks the Examiner for the acknowledgment of allowable subject matter in claims 2, 3, 10, 12, 15, 16 and 19. Claims 1, 4-6, 8, 11, 13, 14 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication 2002/0131350 to Kurobe et al. ("Kurobe"). The rejection is respectfully traversed and reconsideration is requested.

The present invention provides a choice of not changing the optimum recording power, even when the optimum recording exceeds a preset threshold value. For example, when the optimum recording power that is obtained from test writing and actual recording operations exceeds the preset threshold, the present invention enables selection of continuing to record at the optimum recording power to maintain the current recording speed or limiting the recording power to the preset threshold value and reducing the recording speed. Such a selection may be made based on predetermined selection criteria, such as the estimated degradation degree of the laser which may be estimated from past recording power log information and the recording time of the recording operation to be performed. In this way, high speed recording may be enabled even when the recording power is slightly over the limit provided that the risk of laser degradation is minimal.

The Office Action points to Kurobe FIG. 12 as disclosing the elements of independent claims 1, 11 and 13. Kurobe teaches a method of reducing the recording speed when an optimal recording speed obtained through test writing and actual recording operations reaches a preset threshold value. Kurobe does not, however, teach or suggest providing the choice of not changing the optimum recording power when the optimum recording power exceeds the preset threshold value. According to Kurobe FIG. 12, when a positive determination (that is, "YES") is made in the determination step "writing power reaches LD limit?", the only possible result is the writing speed is reduced by one level to perform data writing. In this situation, the writing power does not exceed the limit. On the other hand, when a positive determination (YES) is made in the determination step "writing power too large?", the writing speed is again reduced a level and the process goes back to performing OPC. Data writing is performed only when the writing power is not too large (i.e.,

when the writing power does not exceed the limit). Thus, according to Kurobe, the recording power is always reduced when the optimum recording power exceeds the preset threshold value since Kurobe does not provide the choice of not changing the optimum recording power.

In contrast, according to the present invention, the recording power may be maintained at the optimum recording power even when it exceeds the preset threshold value so that the recording speed may be maintained (i.e., the recording power does not need to be reduced) as is explained, for example, on page 7, lines 18-25 of the present invention.

As Kurobe does not disclose, teach or suggest the above described features of the claimed invention, Applicant submits that claims 1, 11 and 13 are allowable over Kurobe. Independent claims 14 and 18 recite similar limitations and are allowable over Kurobe for at least the reasons provided above. All other claims depend from these claims and are allowable along with the independent claims and own their own merits.

In view of the above remarks, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 35,082

Anthony M. Briggs

Registration No.: 52,654

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant